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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)

15 Plaintiff,)

16 v.)

17 TONY IM,)

18 Defendant.)
19

Criminal No. CR 3 09 70784 BZ

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME**

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21 The above-captioned matter came before the Honorable Elizabeth D. LaPorte,
22 United States Magistrate Judge, on October 7, 2009, for preliminary hearing or
23 arraignment on an indictment. The defendant was represented by David Bigeleisen, Esq.,
24 and the government was represented by Jeffrey Finigan, Assistant United States Attorney.
25 The case was set for October 27, 2009, at 9:30 a.m. for preliminary hearing or
26 arraignment on an indictment.

27 The Court made findings on the record on October 7, 2009, of good cause and
28

STIP & ORDER TO EXCLUDE TIME
CR 3 09 70784 BZ

FILED

OCT 16 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 the defendant consented to extending the time within which he must be indicted pursuant
 2 to Federal Rule of Criminal Procedure 5.1(d) and 18, United States Code, § 3161(b) and
 3 (h)(7)(A) and (B)(iv).

4 The parties hereby agree to and request that the case be continued until October
 5 27, 2009, and that the time limits of Rule 5.1(c) be extended until then so that the parties
 6 may further review discovery and discuss potential resolution. The parties further agree and
 7 stipulate that the additional time is appropriate and necessary under Title 18, United States Code,
 8 § 3161(b) and (h)(7)(A) and (B)(iv), because the ends of justice served by this continuance
 9 outweigh the best interest of the public and the defendant in filing an information or indictment
 10 within the time set forth in 18 U.S.C. § 3161(b). This time exclusion will allow government and
 11 defense counsel to effectively prepare, taking into account the exercise of due diligence, and will
 12 provide for continuity of counsel for the defendant.

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 14 DATED: October 15, 2009

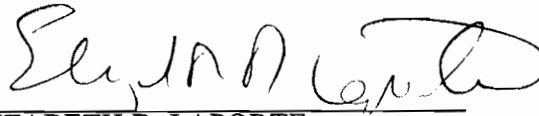
/s/
 DAVID BIGELEISEN
 Counsel for Tony Im

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 16
 17
 18 DATED: October 15, 2009

/s/
 JEFFREY FINIGAN
 Assistant U.S. Attorney

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 20
 21 So ordered.

22 DATED: Oct 16, 2009


 ELIZABETH D. LAPORTE
 United States Magistrate Judge